

FEDERAL MARITIME COMMISSION

DOCKET NO. 14-02

**OCEANIC BRIDGE INTERNATIONAL, INC. – POSSIBLE VIOLATIONS OF
SECTION 10(a)(1) OF THE SHIPPING ACT OF 1984**

**BUREAU OF ENFORCEMENT'S
STATEMENT REGARDING JOINT STATUS REPORT**

The Bureau of Enforcement (BOE) submits this statement in response to the directive contained in the Notice of Default and Order To Show Cause, served April 22, 2014 (Show Cause Order), to set forth BOE's efforts to secure respondent's participation in advance of the joint status report that was due within 20 days of service of an answer to the Order of Investigation and Hearing (Commission Order) initiating this proceeding.

The Commission Order required Oceanic Bridge International, Inc. (Oceanic Bridge or Respondent) to file with the Commission and serve upon BOE a verified answer to the allegations in the Order on or before March 25, 2014. The Administrative Law Judge (ALJ) served an Initial Order requiring, pursuant to Rule 201(h), 46 C.F.R. §502.201(h), that the parties confer, establish a schedule for discovery, and submit a joint status report within 20 days of the service of Respondent's answer. Respondent failed to file an answer or otherwise respond as

directed by the Commission Order and has not entered an appearance. In the absence of such appearance, BOE submitted a Status Report on April 18, 2014, advising of Respondent's default.

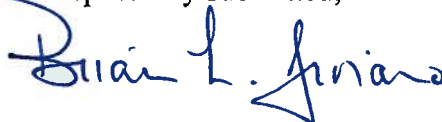
Rule 201(h), relied upon in the Initial Order, imposes a duty on the parties to meet and confer *within 15 days after receipt of a respondent's answer to a complaint or Order of Investigation and Hearing*. (emphasis added). The obligation to confer is, of course, preliminary to preparation of any joint undertaking including a status report. However, as the regulation states, that obligation does not arise unless and until an answer is served and received and, as a practical matter, an appearance is entered. Neither event has occurred in this proceeding.

A requirement to communicate, or attempt to communicate, with a respondent that has chosen not to appear in a proceeding not only goes far beyond the Commission's rules, but flies in the face of the intent of the new default provisions designed to eliminate or reduce the resulting delays and alleviate time and resources wasted "in prosecuting a case which may well turn out to be an uncontested or a default case." Docket No. 11-05, *Commission's Rules of Practice and Procedure*, 77 FR 61519, 61522 (Oct. 10, 2012).

Notwithstanding these concerns, BOE hereby reports that the undersigned communicated on numerous occasions with an individual purportedly authorized by Respondent to negotiate with BOE in an effort to settle the matter. Those communications commenced after issuance of the Commission's Order and lasted until shortly after respondent's answer was due.¹ On several occasions, the undersigned requested from this individual the name of Oceanic Bridge's representative who would formally represent respondent in this proceeding in view of the approaching dates for actions set forth in the Commission's Order and the Initial Order. Those requests went unanswered. All such communications ceased March 27, 2014.

¹ Specifically, the communications began on February 27 and ended no later than March 27.

Respectfully submitted,



Peter J. King, Director
Brian L. Troiano, Deputy Director
Bureau of Enforcement
Federal Maritime Commission
800 N. Capitol St., N.W.
Washington D.C. 20573-0001
(202) 523-5783

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was served upon Oceanic Bridge International, Inc., 18725 E. Gale Ave., #233, City of Industry, CA 91748, by first class U.S. mail with postage prepaid this 13th day of May, 2014.



Brian L. Troiano